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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/167,286	10/07/98	ADEDEJI	A CN-8764

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EXAMINER

HOKE, V

ART UNIT

PAPER NUMBER

1714

9

DATE MAILED:

06/29/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/167,286

Applicant(s)

ADEDEJI ET AL

Examiner
VERONICA P. HOKE

Group Art Unit
1714



☒ Responsive to communication(s) filed on Jun 19, 2000

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

☒ Claim(s) 1-16 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-16 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

Art Unit: 1714

Claim Rejections - 35 U.S.C. § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 U.S.C. § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1,6,8,9 and 15 remain rejected under 35 U.S.C. 102(b) as being fully met by Alexander et al and are rejected in the alternative as being obvious over Alexander et al under 35 U.S.C. 103(a).

Reference teaches the use of mixtures of polymers of the instant claims' genus in making plastic pallets. Burden is on applicant to substantiate that reference's pallets do not meet UI 2335 test standard.

Claims 1,6,9,10 and 11 remain rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Alexander et al taken with Fuhr for the reasons of record regarding the obviousness of adding a flame retardant to the pallet - producing plastic formulation.

Art Unit: 1714

Adding that the UL 2335 test standard requirements are met by the composition does not render the composition's use for this purposes unobvious because applicant has not established that this standard would not have been met by Alexander's teachings even in the absence of a flame retardant.

Claims 1,6,9,10 and 11 remain rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Fowler (031), (078) or (694).

In as much as any plastic within Fowler's teachings is capable of forming pallets, no unexpected results have been considered rendered by using blends of same. Evidence of the the UL 2335 test standards requirement having been met by the instant formulation fails to distinguishh them from Fowler's similarly comprised pallets' compositions.

Claims 1,8,9,11 and 15 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Alexander et al taken with Fowler (031), (078) or (694) on the basis that thermosetting resins' selection such as Fowler's phenoplasts, albeit not preferred by Alexander, would be obvious resins in plastic pallets' production. No particular benefits have been shown to accrue in having met the UL 2335 test standards requirements, such achievement being considered inherent in making Alexander's mixed resin plastic formulated pallets with thermoset resins.

Art Unit: 1714

Claims 1-4,9-12 and 16 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Alexander, Haaf and Fowler (031), (078) and (694) for the reasons of record regarding polyphenylene ether resins selection in formulating PPO/Polystyrene blends for pallet producing formulations. The insertion of the UL 2335 test standards requirement having been met does not provide patentable distinction absent evidence that this formulation actually meets this standard's requirements.

Claims 1,7-11,14,15 and 16 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Alexander et al or Fowler (031) , (078) or (694) taken with Weinrotter and Serafina regarding the expected suitability of polyimides as pallet-producing plastics given their proven machinability and load bearing properties. Applicants insertion of meeting the UL 2335 test standard requirements fails to provide patentable distinction absent evidence that polyimides having load bearing properties would not be expected to meet such limitation.

Claim Rejections - 35 U.S.C. § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Art Unit: 1714

Claims 6-8 and 13-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

These claims are inconsistent with the generic claims which rather require the presence of “two or more resins”.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

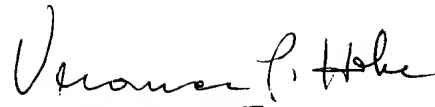
Application/Control Number: 09/167286

Art Unit: 1714

vph

June 28, 2000

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VERONICA P. HOKE
PRIMARY EXAMINER